

058 - PUBLIC DEFENDER

Operational Summary

Mission:

The mission of the Offices of the Public Defender is to provide high quality legal representation to clients in a cost-effective manner.

If the person lacks the resources to hire an attorney, the law requires the appointment of counsel for defendants in criminal cases, minors in Juvenile Court cases, parents in dependency cases, and for a variety of persons in Mental Health cases. All persons charged in criminal court are entitled to be represented by counsel at all stages of proceedings as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution, Article I, section 15 of the California Constitution, and Penal Code section 987. Indigent defendants are entitled to court-appointed counsel, and the courts are required to appoint the Public Defender to represent those persons unless the Public Defender is unavailable. (Pen. Code Section 987.2(d).) Thus Public Defender services are mandated, but if the Public Defender is unavailable the courts are required to appoint other counsel at county

expense. (Pen. Code Section 987.2.) The Offices of the Public Defender are dedicated to preserving the constitutional rights of their clients, thereby protecting those important rights for all County residents. To this end the department provides high quality legal representation in a cost-effective manner to approximately 70,000 clients annually. Providing quality representation is an obligation of defense counsel (Gov. Code Section 27706, subd.(a); People v. Mattson (1959) 51 Cal.2nd 777, 790-791; People v. Pope (1979) 23 Cal.3rd 412, 423; Bus. & Prof. Code Section 6068(m); Rule 3-500; Rules of Professional Conduct.). Approximately 380 dedicated, highly qualified, hard working employees who believe in this ideal strive to achieve a high level of protection for these clients and to provide the best legal representation they can. This is the mission of the Offices of the Public Defender, delivered in an ethical and responsible manner.

At a Glance:

Total FY 2003-2004 Projected Expend + Encumb:	46,142,674
Total Recommended FY 2004-2005 Budget:	47,042,252
Percent of County General Fund:	1.90%
Total Employees:	384.00

Strategic Goals:

- Enforce and protect the constitutional rights, privileges and freedoms of individuals by providing cost effective high quality legal advocacy for all clients in the Criminal Courts of Orange County.
- Advocate and protect the rights of individuals by ensuring that they are treated fairly and equitably in the Mental Health Courts of Orange County.
- Provide high quality representation for clients with drug and alcohol cases in the courts of Orange County.
- Advocate the parental rights of clients by providing high quality legal representation in dependency cases.

Key Outcome Indicators:

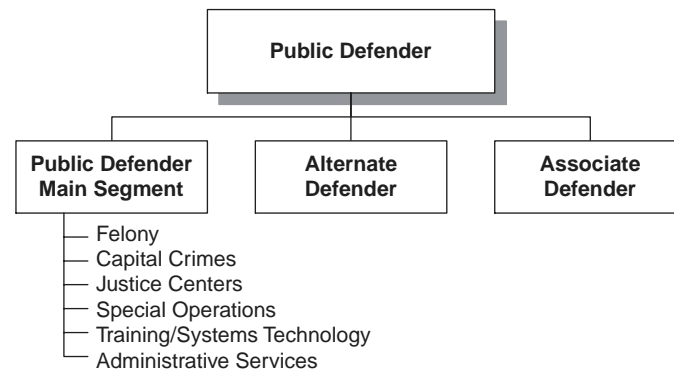
Performance Measure	2003 Business Plan Results	2004 Business Plan Target	How are we doing?
INDEX RATING USED INTERNALLY AS A METHOD TO EVALUATE LEVEL OF SERVICES PROVIDED IN CRIMINAL CASES. What: An internal measurement tool to monitor and evaluate quality representation by the Public Defender. Why: The mission of the Public Defender is to provide high quality legal representation to clients.	Maintained high quality and efficient representation in all criminal courts consistent with relevant State Bar, NLADA, and American Bar Association Guidelines and continued to work toward compliance with each of these.	To continue to maintain high quality and efficient representation in all criminal courts consistent with relevant State Bar, NLADA, and American Bar Association Guidelines and continue to work toward compliance with each of these.	Developed guidelines and completed pilot program in 2002. Necessary adjustments were made during the process. First year findings show above satisfactory performance levels.
INDEX RATING USED INTERNALLY AS A METHOD TO EVALUATE THE LEVEL OF SERVICES PROVIDED IN THESE COURTS. What: An internal measurement tool to monitor and evaluate quality representation by the Public Defender. Why: The mission of the Public Defender is to provide high quality legal representation to clients.	Maintain high quality and efficient representation in Mental Health Courts consistent with State Bar, NLADA, and American Bar Association Guidelines and continue to work toward compliance with each of these.	Continue to maintain high quality and efficient representation in Mental Health Courts consistent with State Bar, NLADA, and American Bar Assoc. Guidelines and continue to work toward compliance with each of these.	Developed guidelines and completed pilot program in 2002. Necessary adjustments were made to the process. First year findings show above satisfactory performance levels.
RESULTS ARE INCLUDED WITHIN THE CRIMINAL CASE PROFICIENCY INDEX. What: Purpose is to provide drug treatment instead of incarceration for certain nonviolent drug offenses. Why: In November of 2000 Proposition 36 passed with over 60% Calif voter approval (61% in Orange County).	Worked with the courts, HCA, Probation, and the DA to serve Proposition 36 clients through effective drug treatment and court monitoring. Trained all staff on new legislation and implementation process. Continued to seek State funding for Public Defender services.	Continue to provide effective representation of clients involved in Proposition 36 drug courts and programs through appropriate court monitoring. Continue to request State funding for Public Defender services.	Proposition 36 and the drug courts have been very successful in providing treatment programs for qualified individuals. Drug court participation leveled off in 2002 due to Proposition 36 implementation.
INDEX RATING USED INTERNALLY AS A METHOD TO EVALUATE THE LEVEL OF SERVICE PROVIDED IN THESE COURTS. What: An internal measurement tool to monitor and evaluate quality representation by the Public Defender. Why: The mission of the Public Defender is to provide high quality legal representation to clients.	Maintained high quality and efficient representation in Dependency Courts consistent with relevant State Bar, NLADA, and American Bar Association Guidelines and continued to work toward compliance with each of these.	Continue to maintain high quality and efficient representation in Dependency courts consistent with relevant State Bar, NLADA, and American Bar Association Guidelines and continue to work toward compliance with each of these.	Developed guidelines and completed pilot program in 2002. Necessary adjustments were made to the process. First year findings show above satisfactory performance levels.

FY 2003-2004 Key Project Accomplishments:

- A state-wide recruitment was conducted and a new Public Defender was appointed by the Board of Supervisors.
- The statistical data that is gathered from each of our offices was standardized thereby allowing more accurate case information to be obtained.
- In an effort to be more responsive to the needs and concerns of staff, managers have been conducting regularly scheduled meetings to discuss and implement suggestions and changes.
- The department's participation in the Proposition 36 and Drug Courts has assisted in helping an increased number of participants become productive, law abiding members of society.
- The Proposition 36 felony court team in which Public Defender attorneys participate has been recognized as the most successful in the state.

- The Public Defender intranet website is updated weekly with current information such as new developments in the law.
- The department participated in the development of the Orange County Outreach Court which is designed to assist the homeless population in Orange County.
- The development of the Investigative Case Management System has been completed and is being utilized by our Investigative staff.
- Several managers participate on committees throughout the County which strengthens involvement in legal organizations and on County policy matters.
- Clerical and supervisory staff in our Mental Health section greatly improved the process used to collect information for submission of reimbursement funds from the State.
- The department successfully utilized the "Vertical Defense of Indigents" grant from the Governor's Office of Criminal Justice Planning for the defense of clients prosecuted by the District Attorney's "Statutory Rape Vertical Prosecution Unit."
- Department managers participated on a Children's Services Coordination Committee designed to improve services for children.
- The department increased the amount of money contributed to the United Way during the County sponsored 2003 United Way campaign.
- Numerous Public Defender staff participated in the County Mentoring Program by volunteering time to work with the children at Pio Pico Elementary School.
- Jury instruction books were provided to all attorneys enabling them to become more effective and efficient in the representation of their clients.
- Additional informational databases for investigative staff were obtained enabling them to expand research capabilities and improve efficiency.
- Additional digital cameras and CD burners were obtained to enable all investigative staff to more effectively conduct investigations, and reduce costs by enabling photos to be stored on CD's and printed in-house. This resulted in a significant reduction in the amount of film purchased and the amount of traditional film processed.
- Created an IT program and database to help to quickly identify potential conflicts of interest in serious cases to avoid unnecessary expenditure of resources.
- Developed a "Preliminary Examination Handbook" manual to assist attorneys in providing effective representation at that critical stage of the felony criminal case process.
- The main unit of the Offices of the Public Defender was involved in litigation in an increased number of Capital Cases.
- The department collaborated with other agencies in the development of a Drug Court for parents of dependent children to provide treatment programs for parents and aid in the reunification of families.
- The ITT section conducted a Technology Fair for staff to demonstrate hardware and software capabilities.
- Developed additional recognition programs for non-attorney staff in an effort to keep morale at a high level.
- Established index baseline rating numbers for the department proficiency indexes.

Organizational Summary



PUBLIC DEFENDER MAIN SEGMENT - The Offices of the Public Defender consist of three distinct and separate law offices. These are the Public Defender Office, the Alternate Defender Office, and the Associate Defender Office.

The Public Defender Office - The main unit is referred to as the Public Defender Office and is made up of several distinct sections. In the Santa Ana main office at 14 Civic Center Plaza are the felony panel, the writs and appeals section, the W&I Code Section 6600 section, the capital case section, the training section, the computer systems section and senior managers. In a separate Santa Ana location is the Mental Health section, and in the City of Orange there is a juvenile court branch consisting of the child dependency section and the delinquency section. There are also five branch offices located in Fullerton (North Justice Center), Santa Ana (Central Justice Center), Westminster (West Justice Center), Newport Beach (Newport Beach Facility of the Harbor Justice Center), and Laguna Niguel (Laguna Niguel Facility of the Harbor Justice Center). Attorneys and support staff work at each of these locations. The main unit provides representation in approximately 66,000 cases annually. These include misdemeanor and felony criminal cases, Juvenile Court cases, and Mental Health cases.

ALTERNATE DEFENDER - The Alternate Defender Office is located in Santa Ana, and handles the first level of conflict cases (except for cases arising in Juvenile Court). There are approximately twenty lawyers employed in the Alternate Defender office, with a full complement of support staff

(investigators, interviewers, and clerical personnel primarily). The Alternate Defenders represent clients who, because of a conflict of interest, cannot be represented by the main unit, often because more than one defendant is charged. The Alternate Defender represents about 4,000 clients annually.

ASSOCIATE DEFENDER - The Associate Defender Office is located in Santa Ana and is staffed by two lawyers, with a small support staff. This unit handles complex cases (including capital cases). These are cases that, because of a conflict of interest, would previously have been handled by court-appointed private lawyers at greater cost.

PUBLIC DEFENDER EXECUTIVE MGT - Department Head and immediate support staff.

Ten Year Staffing Trend:



Ten Year Staffing Trend Highlights:

- Staffing trends for the Public Defender often reflect demographic, economic, and sociopolitical changes. As a result of the bankruptcy in January of 1995 the Board

of Supervisors directed that the Office of the Public Defender be divided into three independent units. The newly created units undertook representation of conflict clients previously represented by court-appointed private lawyers, and the intended effect of this change was to produce annual savings to County taxpayers. The net effect of segmentation in the first year was a savings of \$6M and savings have since been approximately \$7-8m annually.

- Other changes in staffing have occurred in response to court consolidation, the three strikes law, the expansion of the drug courts throughout the County, implementation of Proposition 36, and appropriate representation of clients in the arraignment courts. The net effect has been an increase in staff size over the past few years.
- This year the department is requesting several position changes to better meet the needs of the department. Due to the substantial increase in the number of felony cases, more experienced attorneys were needed to handle these complex cases. Other changes are necessary in the area of information technology.
- Future staffing needs could arise as a result of continually rising caseloads, changes in legislation, new program developments, trends in overall population increases in the County, the effect on crime rates in times of economic hardship and/or unemployment, and other factors that affect caseloads.

Budget Summary

Plan for Support of the County's Strategic Priorities:

The County continues to face significant budget impacts due to the State budget reductions. These impacts are felt by all agencies in the County. Many of the impacts are not yet final and may not be until the State budget is final. The property tax issue is expected to have a great impact upon the County General Fund, the primary source of funds for the Offices of the Public Defender.

The Public Defender's Office participated in the multi-phase plan for budget reductions in 2003 absorbing the shortfall from the deferral of mandate reimbursement for Public Defender services and reducing funding requested from the capital project program.

The State impacts are expected to be more severe in 2004-05. The Public Defender has absorbed over 5400 additional felony cases in the past two years without additional staff. The number of homicide and complex felonies has had an impact upon staffing with a greater need for experienced staff. The department has absorbed the additional work without requesting resources.

CEO Real Estate has one County Strategic Priority that affects the Public Defender, the build-out of Building 16 in the Santa Ana Civic Center. The building is currently vacant and underutilized. The Public Defender would use the entire building for staff currently in leased space in the Civic Center area in Santa Ana if the County completes the build-out.

Changes Included in the Recommended Base Budget:

The Offices of the Public Defender have met the current level of service within the proposed base budget. This was made possible by greater efficiency through technology, resources, and minor staff adjustments. The department has absorbed an additional 5400 felony cases in the past two years. These complex cases required experienced attorney and support staff assigned to represent these clients. Positions were upgraded in order to represent the increased number of complex felony cases. The budget request includes position change forms with no additional funding requested.

Information Technology is ever changing. With the support of the Chief Information Officer, the department has made temporary changes to IT staff positions. The budget includes position change forms to finalize the adjustments made in staff due to the changes in job duties, the growth of the network, and the department case management system.

Revenue changes in the base budget include reductions in Proposition 36 and no increase in Trial Court funding. The expectation is that the Public Defender may receive partially state funding for representation in the Proposition 36 Courts. The County is required to provide counsel for indigent defense services and the Public Defender is appointed to represent these clients. Also, the availability of additional Trial Court Funding for the reimbursement of costs related to defense services in the Dependency Courts will remain at the 2003/04 level without increase.

Submitted with the budget are two augmentations which include the supplemental funding for Proposition 36 attorneys and the expansion of Superior Court to handle continued growth in felony caseloads. The Public Defender and CEO staff have agreed upon a temporary solution to modify existing positions and to seek to phase-in position requests as needed through the quarterly budget process. The close monitoring of cases will be discussed with CEO staff regularly.

In future years, in addition to the augmentations for Proposition 36 and the expansion in Superior Court, there is a separate augmentation needed to maintain the current level of services provided which cannot be met with the current assigned net county cost target.

Requested Budget Augmentations and Related Performance Results:

Unit/Amount	Description	Performance Plan	Ref. Num.
Proposition 36 Backfill (FY 04-05) Amount: \$ 699,777	Funding for 5 attorney positions needed to maintain current level of service to Prop 36 clients.	This will enable the PD to continue representing all eligible clients in the Prop 36 program.	058-117
Add 3 Sr. Deputy Attorneys, 2 Defense Investigator IIIs, and 2 Paralegals (FY 04-05) Amount: \$ 689,000	Funding to continue providing services to clients without referring cases to the private bar.	The PD will be able to continue to represent all client without referring cases to the private bar.	058-122

Proposed Budget and History:

Sources and Uses	FY 2002-2003 Actual	FY 2003-2004 Budget As of 3/31/04	FY 2003-2004 Projected ⁽¹⁾ At 6/30/04	FY 2004-2005 Recommended	Change from FY 2003-2004 Projected	
					Amount	Percent
Total Positions	-	384	384	384	0	0.00
Total Revenues	3,873,911	2,920,249	3,083,934	2,689,683	(394,251)	-12.78
Total Requirements	41,907,520	47,212,648	46,149,991	47,042,252	892,261	1.93
Net County Cost	38,033,609	44,292,399	43,066,057	44,352,569	1,286,512	2.99

(1) Requirements include prior year encumbrances and expenditures. Therefore, the above totals may not match FY 2003-2004 projected requirements included in "At a Glance" (Which exclude these).

Detailed budget by expense category and by activity is presented for agency: Public Defender in the Appendix on page 479.

Highlights of Key Trends:

- The Offices of the Public Defender provide high quality legal representation in a cost effective and fiscally responsible manner. People who come before the court in criminal, juvenile, dependency, and mental health matters are entitled by law to have counsel appointed to represent them when they lack the resources to hire an attorney. This right arises out of the United States Constitution, the California Constitution, and Penal Code Section 987, and other statutes. If the Public Defender is unavailable the courts are required to appoint private counsel at county expense.
- All services of the Public Defender are core business and mandated by law. The function of the Public Defender is to represent indigents when appointed by the court. The

County must provide legal defense services to these clients whether or not there is reimbursement money available through the state or other means. State mandate reimbursement has been deferred to future years. Proposition 36 has been reduced and the Public Defender does not anticipate receiving adequate state funding from the state in 2004-05.

- The Public Defender remains committed to the mission and goals of the department while maximizing efficiency. The services provided continue to be based upon ethical, practical, and efficient values that are consistent with County policies and procedures under the direction of strategic initiatives and sound business practice guidelines.

Budget Units Under Agency Control

No.	Agency Name	Public Defender Main Segment	Alternate Defender	Associate Defender	Public Defender Executive Mgt	Total
058	Public Defender	42,504,620	3,680,689	568,667	288,276	47,042,252
15N	Delta Special Revenue	51,073	0	0	0	51,073
	Total	42,555,693	3,680,689	568,667	288,276	47,093,325

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Summary of Proposed Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2002-2003 Actual	FY 2003-2004 Budget As of 3/31/04	FY 2003-2004 Projected ⁽¹⁾ At 6/30/04	FY 2004-2005 Recommended	Change from FY 2003-2004 Projected	
					Amount	Percent
Intergovernmental Revenues	\$ 2,254,001	\$ 2,620,249	\$ 2,620,249	\$ 2,239,683	\$ (380,566)	-14.52%
Charges For Services	905,792	300,000	450,000	450,000	0	0.00
Miscellaneous Revenues	26,227	0	80,000	0	(80,000)	-100.00
Other Financing Sources	687,892	0	(66,315)	0	66,315	-100.00
Total Revenues	3,873,911	2,920,249	3,083,934	2,689,683	(394,251)	-12.78
Salaries & Benefits	37,050,471	40,925,521	39,914,000	40,892,916	978,916	2.45
Services & Supplies	4,898,432	6,354,216	6,273,123	6,154,425	(118,698)	-1.89
Other Charges	58,105	0	0	0	0	0.00
Fixed Assets	48,722	48,000	57,957	70,000	12,043	20.78
Intrafund Transfers	(148,210)	(115,089)	(95,089)	(75,089)	20,000	-21.03
Total Requirements	41,907,520	47,212,648	46,149,991	47,042,252	892,261	1.93
Net County Cost	\$ 38,033,609	\$ 44,292,399	\$ 43,066,057	\$ 44,352,569	\$ 1,286,512	2.99%

(1) Requirements include prior year encumbrances and expenditures. Therefore, the above totals may not match FY 2003-2004 projected requirements included in "At a Glance" (Which exclude these).

Proposed Budget Summary of Public Defender Main Segment:

Revenues/Appropriations	FY 2002-2003 Actual	FY 2003-2004 Budget As of 3/31/04	FY 2003-2004 Projected ⁽¹⁾ At 6/30/04	FY 2004-2005 Recommended	Change from FY 2003-2004 Projected	
					Amount	Percent
Intergovernmental Revenues	\$ 2,254,001	\$ 2,620,249	\$ 2,620,249	\$ 2,239,683	\$ (380,566)	-14.52%
Charges For Services	905,792	300,000	450,000	450,000	0	0.00
Miscellaneous Revenues	26,227	0	80,000	0	(80,000)	-100.00
Other Financing Sources	687,892	0	(66,315)	0	66,315	-100.00
Total Revenues	3,873,911	2,920,249	3,083,934	2,689,683	(394,251)	-12.78
Salaries & Benefits	32,269,079	36,136,750	35,125,229	36,384,084	1,258,855	3.58
Services & Supplies	4,818,652	6,318,216	6,237,123	6,125,625	(111,498)	-1.79
Other Charges	58,105	0	0	0	0	0.00
Fixed Assets	48,722	48,000	57,957	70,000	12,043	20.78
Intrafund Transfers	(148,210)	(115,089)	(95,089)	(75,089)	20,000	-21.03
Total Requirements	37,046,349	42,387,877	41,325,220	42,504,620	1,179,400	2.85
Net County Cost	\$ 33,172,438	\$ 39,467,628	\$ 38,241,286	\$ 39,814,937	\$ 1,573,651	4.12%

Proposed Budget Summary of Alternate Defender:

Revenues/Appropriations	FY 2002-2003		FY 2003-2004		FY 2003-2004		Change from FY 2003-2004		
	Actual		Budget		Projected ⁽¹⁾		Projected		
			As of 3/31/04		At 6/30/04		Recommended	Amount	Percent
Salaries & Benefits	\$	3,894,149	\$	3,971,994	\$	3,971,994	\$	3,666,289	\$ (305,705) -7.70%
Services & Supplies		49,160		21,600		21,600		14,400	(7,200) -33.33
Total Requirements		3,943,309		3,993,594		3,993,594		3,680,689	(312,905) -7.84
Net County Cost	\$	3,943,309	\$	3,993,594	\$	3,993,594	\$	3,680,689	\$ (312,905) -7.84%

Proposed Budget Summary of Associate Defender:

Revenues/Appropriations	FY 2002-2003		FY 2003-2004		FY 2003-2004		Change from FY 2003-2004	
	Actual	Budget	As of 3/31/04	Projected ⁽¹⁾	At 6/30/04	Recommended	Projected	
							Amount	Percent
Salaries & Benefits	\$	535,000	\$	523,201	\$	523,201	\$	561,467
							\$	38,266
Services & Supplies		21,478		7,200		7,200		7,200
								0
Total Requirements		556,477		530,401		530,401		568,667
								38,266
Net County Cost	\$	556,477	\$	530,401	\$	530,401	\$	568,667
								38,266
								7.31%
								0.00
								7.21
								7.21%

Proposed Budget Summary of Public Defender Executive Management:

Revenues/Appropriations	FY 2002-2003		FY 2003-2004		FY 2003-2004		Change from FY 2003-2004	
	Actual		Budget As of 3/31/04		Projected ⁽¹⁾ At 6/30/04		FY 2004-2005 Recommended	Projected Amount Percent
Salaries & Benefits	\$	352,243	\$	293,576	\$	293,576	\$	281,076 (12,500) -4.26%
Services & Supplies		9,142		7,200		7,200		7,200 0 0.00
Total Requirements		361,385		300,776		300,776		288,276 (12,500) -4.16
Net County Cost	\$	361,385	\$	300,776	\$	300,776	\$	288,276 (12,500) -4.16%